IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY SEVENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 23705 of 2004

Between:

P.Madhusudhan Rao, S/o Venkateswarlu,
R/o Yepuru, Muthukur Mandal, Nellore District.

..... PETITIONER

AND

1 The Commissioner of Endowments, H.R.C. Hyderabad, Tilak Road.
2 The Regional Joint Commissioner of Endowments - II, H.R.C.

Endowments Department, Govt. of A.P., Tirupathi.
3 The Deputy Commissioner, H.R.C. Endowments Department, Govt.

of A.P., Hyderabad.
4 The Manager, Virupaksha Swamy Temple,
Epuru Village, Muthukuru Village, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction especially one in the nature of Writ of Mandamus declaring that the Auction Notice dated 5-8-2003 in so far as it pertains to land allocated to Archaka also as illegal and arbitrary and therefore is violative of Article 14, 21 and 300 (A) of Constitution of India and further declare that all such actions taken in pursuance of the said auction notice is further illegal and arbitrary and pass such order or orders.

Counsel for the Petitioner:MR.M.SURENDER RAO

Counsel for the Respondents 1 to 3: GP FOR ENDOWMENTS

The Court at the stage of admission made the following ORDER:

Petitioner is an Archaka of Virupaksha Swamy temple, Epuru village, Muthukuru mandal, Nellore district. He challenges the auction notice dated 05.08.2004 through which the temple authorities proposed to auction the leasehold rights in respect of certain lands for the years 2004 to 2007.

The petitioner contends that his father was granted Ac.6.00 of wet land and Ac.23.00 of dry land, in lieu of remuneration for performing pujas in the temple and the leasehold rights of the dry lands are now sought to be auctioned. He has placed before this Court the various proceedings under which the said allotment was made.

Learned standing counsel for the temple, on the other hand, submits that the said land was allotted in lieu of remuneration, the possession of dry land was never with the petitioner or his father and that the petitioner himself gave a letter on 13.08.2004 stating that he has no objection for granting leasehold rights in respect of the dry land.

Heard learned counsel for the petitioner, learned Government Pleader for Endowments and learned Standing counsel for the fourth respondent.

From a perusal of various proceedings, under which the father of the petitioner was allotted certain land, it is clear that the said land was allotted for enjoying the benefit derived out of it, in lieu of remuneration. The proceedings are also very clear to the extent that the allotment does not confer any proprietary or

ownership rights in respect of those lands. At any rate, the petitioner himself has addressed a letter stating that the possession of the dry land was never with them and that he has no objection for grant of leasehold rights in respect of that land. In that view of the matter, no except can be taken to the impugned auction notice.

Hence, the writ petition is dismissed. There shall be no order as to costs.

27.12.2004

ksld

To

1 The Commissioner of Endowments, H.R.C. Hyderabad, Tilak Road.
2 The Regional Joint Commissioner of Endowments - II, H.R.C.

Endowments Department, Govt. of A.P., Tirupathi.
3 The Deputy Commissioner, H.R.C. Endowments Department, Govt.

of A.P., Hyderabad.
4 Two CCs. to the G.P. for Endowments, High Court of A.P.,

Hyderabad(OUT)

5 Two CD copies.